



Town of Smyrna

Personnel Policy Manual

This Personnel Policy Manual supersedes and replaces the prior personnel policy manual and will be in effect from 12/01/2021 forward until amended.

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Introduction

Welcome

This Personnel Manual will introduce employees to the Town of Smyrna ('Town') organization and outline the policies and programs that are applicable to individuals employed by the Town. This Manual offers two-way communications: (1) what can be expected from the Town and (2) what the organization expects from the employees. Town Policies are in accordance with applicable state and/or federal government rules and regulations. Some of the information in this manual may be affected by Collective Bargaining Agreements ('CBA'). When a CBA has specific policies that differ from this manual, then that policy takes precedent to the Manual. If an employee is a member of a collective bargaining unit, they can find these policies in their CBA.

This manual sets forth present policies and procedures, however changes may be made from time to time at the sole discretion of the Town Council. The policies, practices, and benefits in this manual may be modified or discontinued upon ratification by Council and notification to employees.

The Town reserves the right to make interpretations necessary in applying these policies and procedures. If employees have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice, they should address specific questions to their manager or the Human Resources Department.

Some subjects described in this manual are covered in more detail in official policy documents and union contracts. Refer to these documents for specific information. This manual only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

Again, welcome to the Town of Smyrna. We look forward to the contribution you will make toward the Town's growth and progress.

General Employment Practices

This Manual applies to all employees on the Town of Smyrna's payroll unless otherwise stated.

Along with this Manual, the Town Manager and Chief of Police will be governed by the terms of any applicable provisions of the Town Charter, state statute, Town ordinance or resolution specific to the Town Manager and/or Chief of Police, and subject to any written employment agreement signed by the Town and the Town Manager and/or Chief of Police.

Nature of Employment

This manual is not an employment contract. Town employees are employed on an "at will" basis. This means that employees are free to leave their employment with the Town at any time, and for any reason or no reason. Further, employment may be terminated by the Town at any time and for any reason or no reason and with or without notice consistent with State law or collective bargaining agreement(s).

Employees may not rely upon any oral or written statement, promise or other representation that is made or may be made at any time and contradicts the foregoing. Any and all policies, procedures, and other terms and conditions of employment are subject to change or deletion with or without notice as permitted by State law or collective bargaining agreement(s).

Employee Relations

The Town believes that suggestions for improving operations should be freely exchanged. We welcome new ideas that may be beneficial to our operations. Employees are encouraged to talk to their supervisor concerning any suggestions, concerns, questions, or problems. Our "Open Door Policy" offers all employees the freedom to discuss anything they wish with their supervisor

When an employee informs us of a concern or problem, we will try to address it as soon as possible under the circumstances. It is important to our Town that any situation be treated with confidence with an equitable resolution.

Equal Employment Opportunity

Employment by the Town will be based solely on merit and fitness, free from favoritism or political considerations.

To provide equal employment and advancement opportunities to all individuals, employment decisions at the Town will be based on merit, qualifications, and abilities. The Town does not discriminate against any person because of race, color, religion, sex, (including pregnancy), national origin, age, genetic information, gender identity, marital status, sexual orientation, disability, amnesty or status as a covered veteran, or any other characteristic protected by law in accordance with applicable federal and state laws.

If an employee has a question or concern about any type of discrimination in the workplace, they are to bring the issue to the attention of their supervisor, the Human Resources Manager, the

Town Manager or Chief of Police. If an employee is uncomfortable for any reason reporting it to those persons(s), they may discuss with any other member of management, or any member of Town Council if the concern is regarding the conduct of an immediate supervisor and the Town Manager.

Immigration Law Compliance

The Town maintains compliance with the Immigration Reform and Control Act of 1986 and, in doing so, only employs individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Management will let employees know what documents are acceptable based on applicable government regulations.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Americans with Disabilities Act (ADA) and Other Accommodation

The Town is committed to complying fully with the Americans with Disabilities Act (ADA), the Delaware Persons with Disabilities Employment Protections Act (PDEPA), and the Delaware Discrimination in Employment Act (DDEA). It is the Town's policy in all employment-related decisions to give qualified individuals with disabilities the same consideration afforded to other qualified individuals.

When an employee believes they are eligible for an accommodation they must provide a written request for Town review. Once a request for an accommodation has been made, the Town will then begin an interactive dialogue with the employee to evaluate the request.

The Town will follow any state law, local law, or CBA that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. Employees should contact the HR Manager for further information.

Other Accommodations

The Town is committed to working with and providing necessary reasonable accommodations to its employees, where defined by law. Possible accommodations are numerous and may include:

- Accommodations based on religious beliefs;
- Adjusting work schedules to provide time off for medical treatment;
- Accommodations to comply with State and Federal laws on breastfeeding/lactation; and
- Reorienting or providing special training to supervisors and coworkers.

While we would like to be able to provide any reasonable accommodation, there may be times when it causes an undue hardship on our operations, and we will not be able to make the accommodation.

Employees are encouraged to provide the Manager with information on any limitations or restrictions they may have in performing the essential responsibilities of their job.

Sexual and Other Unlawful Harassment

The Town is committed to providing a work environment that is free from sexual and other unlawful harassment. In pursuit of this goal, the Town adheres to all federal and state laws and regulations regarding harassment. The Town also provides sexual harassment prevention training as required by Delaware law.

Harassing conduct can take many forms and includes, but is not limited to: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, cartoons, texts, emails, or social media posts based upon an employee's sex/gender, race, color, national origin, ancestry or citizenship status, religion, disability, age, (40 and over), sexual orientation, gender identity, genetic information, pregnancy, veteran status, or any other characteristic protected by state or federal law.

Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and can be by a person of either the same or opposite sex. The following is a partial list of sexual harassment examples:

- Unwelcome sexual flirtations, advances, and requests or propositions.
- Frequent requests for dates.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering or making sexual gestures.
- A display in the workplace or through emails, text messages, or social media posts of sexually suggestive objects or pictures, cartoons, or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, emails, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Conduct prohibited in this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. The conduct may be by an employee or by someone connected to the Town as an outside vendor, client, or consultant.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, they must report it immediately to their immediate supervisor or any employee in a

management position, unless the Manager is the person engaging in the harassing conduct. A supervisor or manager who receives a complaint or who observes harassing conduct must immediately inform the Town Manager or Chief of Police so that an investigation may be promptly initiated. Employees can raise concerns and make reports without fear of reprisal or retaliation.

Employees should consult the HR Manager to formally resolve any alleged incident(s) or concern(s).

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Town Manager, Chief of Police, or HR Manager so it can be investigated in a timely and confidential manner.

Any employee regardless of position or title found through investigation to have engaged in improper harassment will be subject to disciplinary action, up to and including termination of employment.

The Town prohibits any form of discipline or retaliation for reporting in good faith the incidents of harassment in violation of this policy, pursuing any such claim, or cooperating in the investigation of such reports. False and malicious complaints of harassment, discrimination, or retaliation may lead to appropriate disciplinary actions.

Workplace Bullying and Violence

The Town defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the organization’s standards of conduct. Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when deciding on discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The Town considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, (making false, damaging statements), ridiculing, (mocking, laughing at, poking fun), or maligning, (speaking spitefully and critically about), a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assaulting, or threatening of physical assault; damaging a person’s work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the Town has a zero-tolerance policy towards workplace violence and threats of such violence. This policy affects all locations, managers, supervisors, employees, clients, visitors, contractors, and anyone else who may come in contact with Town personnel. Employees are expected to refrain from conduct that may be dangerous to others.

The Town will not tolerate any action by any employee, client, visitor, or contractor that endangers the safety of another employee, or causes an employee to fear for his or her safety, such as fighting, destruction of Town property, possessing weapons on Town property except for authorized personnel, implied or expressed threats of violence, and intimidation.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to the Front-line Supervisor, the HR Manager, the Town Manager, or the Chief of Police. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Any workplace bullying or violence should be reported to the Front-line Supervisor, the HR Manager, the Town Manager, or the Chief of Police.

Dating in the Workplace

The Town does not explicitly prohibit consensual romantic relationships between adult employees; however, it does establish the following requirements:

- We strongly discourage supervisory personnel from engaging in romantic or sexual relationships with subordinates and require the supervisor to disclose to the Town Manager or to the Chief of Police the existence of such a relationship. Additionally, supervisory employees are required to take steps to resolve any actual or potential conflict of interest or impropriety created by the relationship.
- All employees must avoid romantic or sexual relationships with other employees that create conflicts of interest, potential charges of sexual harassment, or discord or distractions that interfere with other employees' productivity by definition or application of any applicable section of this Manual.
- Any romantic or sexual relationship between employees at any level must be disclosed to the Town Manager or the Chief of Police.

Failure to make required disclosures or comply with this policy can result in discipline, up to and including termination of employment.

Professional Business Ethics and Conduct

The successful professional operation and reputation of the Town is built upon the principles of fair and ethical conduct of Town employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as regard for the highest standards of conduct and personal integrity. Municipal employees are always under review by the public and are to avoid real or perceived ethical conflicts of interests. Any potential concern or incident should be reviewed through open dialogue with an employee's immediate supervisor.

Confidentiality

Our customers and other parties with whom we do business entrust the Town with important information relating to their household or businesses, specifically as the Town is a public utility.

All documents of the Town shall be governed by applicable federal law or Delaware Freedom of Information Act (FOIA), and all employees shall consult their supervisor before disclosing documents to maintain FOIA compliance.

All inquiries from the media must be referred to the Town Manager, the Chief of Police, or their designee.

Conflicts of Interest

Town employees in a leadership position or have direct or in-direct decision-making on contracts, professional or legal review and approval of documents, or other regulatory oversight shall be held accountable for conflicts of interest. This policy is intended to emphasize the Town's commitment to the highest standards of integrity, fairness, and conduct to ensure the maximum public trust.

It is the responsibility of each employee to avoid any actual conflict of interest, and, to the furthest extent possible, avoid the appearance of a conflict of interest. Each person to whom this policy applies must, in accordance with the guidelines set forth herein, be free of any activity, association, or investment which might influence, or give the appearance of interfering with the independent exercise of his or her judgment in conducting activities or dealings.

Disclosure of Interest

Each employee who personally has or is attempting to establish, or who directly or indirectly holds an interest in an organization which has, or which is attempting to establish a business relationship with the Town of Smyrna, is responsible for disclosing in writing such interest and relationship. This shall be disclosed to the Town Manager or Chief of Police.

In connection with any matter which must be disclosed by an employee under the paragraph above, no employee or affiliate thereof, (expressly including, but not limited to, family members of the employee and artificial entities of which the employee has an interest), may derive financial gain, either direct or indirect, unless the contract or transaction has been disclosed, as required herein, and negotiated in good faith in the ordinary course of business.

Participation in Decision Making

Employees with financial or personal conflicts will advise their immediate supervisor and the Town Manager/Chief of Police immediately. The Town Manager/Chief of Police shall determine if an employee conflict exists and whether they need to recuse themselves.

Acceptance of Gifts

No employee shall personally gain for their position with the Town. Public confident and perception must remain one that is ethical. An employee may not place the Town under an actual or perceived obligation to another person or entity as a result of a gift, personal favor, or financial transaction. If an employee has any doubt as to the appropriateness of a gift, he or she will review the matter with the Town Manager, Chief of Police, or HR Manager. General gifts to the Town as a token of appreciation, (i.e., food for staff based on municipal services, or an existing contractor

sending a year-end gift), shall be shared with all employees and not considered a violation or personal.

Hiring of Relatives (Nepotism)

The Town Manager or Chief of Police must approve the hiring of a current employee's relative. The employment of relatives in an organization may cause serious conflicts and problems with favoritism and employee morale. The Town Manager or Chief of Police may approve the hiring if it does not create a conflict.

No person will be hired as an employee of the Town where any member of that person's immediate family is already an employee of the Town and would be either:

- responsible for the supervision, direction, evaluation, or merit recommendation of the person to be hired, or
- would be subject and subordinate to the supervision, direction, evaluation, or merit recommendation of the person to be hired.

No employee of the Town will be transferred to any position within the Town so that such employee would be either:

- Responsible for the supervision, direction, evaluation, or merit recommendation of an immediate family member, or
- Subject and subordinate to the supervision, direction, evaluation, or merit recommendation of a member of his or her immediate family.

"Immediate family members" are defined as: spouse, parent, child, grandparent, aunt, uncle, niece/nephew, first cousin, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother or stepfather, persons who are in a romantic relationship with the employee, or domestic partners.

Outside Employment (Moonlighting)

To render the most effective services to the Town's customers, employees must give their primary attention to the work of the Town organization. Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

- Activities and conduct away from the job must not compete with, conflict with, or compromise the Town's interests or adversely affect the employee's job performance, work schedule, and the ability to fulfill all job responsibilities.
- Employees are prohibited from performing any services for customers on nonworking time that are normally performed by the Town. This prohibition also extends to the unauthorized use of any town office, tools or equipment, and the unauthorized use or application of any confidential information.
- Employees are prohibited from engaging in private work that is regulated by the Town, either directly or indirectly, within Town limits or in a scenario that may cause a conflict of interest.
- Employees are not to solicit or conduct any outside business during paid working time.

- For the purposes of this policy, self-employment is considered outside employment.
- Sales of personal or household items, health and beauty products, food items, and similar items including any sold through network marketing companies are prohibited from taking place during normal working hours, on Town equipment, or in a manner that is distracting to or is incompatible with the employee or other employees performing their Town duties.

Employees who wish to engage in outside employment must submit a written request explaining the details of the outside employment to their supervisor, who will discuss with either the Town Manager or the Chief of Police. The Town Manager or Chief of Police will review such employment for possible conflict of interest, appearance of impropriety, or impact upon the efficiency of the employee. Either the Town Manager or the Chief of Police must approve, (or deny), this in writing with a copy to the employee's personnel file. Authorization to engage in such outside employment can be revoked at anytime.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If the Town determines that outside work is impacting an employee's performance or the ability to meet Town requirements, which may change over time, the employee will be asked to terminate the outside job to stay employed at the Town. Outside employment which conflicts or inhibits an employee's efficiency may be grounds for disciplinary action, up to and including termination.

Non-Profit Organization Participation

Activities on behalf of non-profit organizations, (such as schools, churches, social clubs, etc.), including bake sales, raffles, or other fundraising activities and programs may not take place during normal working hours, on Town equipment, or in a manner that is distracting to or is incompatible with the discharge of the duties of the employee or other employees. Activities officially sponsored by the Town may take place at the discretion of the Town Manager or Chief of Police.

Training and Development

It is the policy of the Town of Smyrna to provide training and professional development opportunities for its employees. Training will be provided as required by job task, state or federal licensing, CBA requirements, all of which shall be subject to the fiscal support of the approved Town Budget. Town supervisors and leadership team members shall coordinate with the HR Manager and Manager's Office for annual training initiatives.

All written requests for subscriptions, seminars or courses must be submitted in advance to the Town Manager or Chief of Police for approval in writing.

Employment Status and Records

Employment Categories

Town employee classifications shall be based upon Fair Labor Standards Act (FLSA), CBA classifications, and any applicable state or federal law.

Depending on the job position, employees are designated as either **nonexempt** or **exempt** from federal and state wage and hour laws.

- **Nonexempt** employees are compensated on an hourly basis and shall be entitled to overtime pay under the specific provisions of federal and state laws, or a CBA.
- **Exempt** employees are excluded from specific provisions of federal and state wage and hour laws. They are employees in certain administrative, supervisory, executive, and professional positions as determined by management and FLSA definitions. They are paid on a salaried basis and are not paid overtime compensation in accordance with FLSA regulations.
- An employee's **exempt** or **nonexempt** classification may be changed only with written notification by the Town's executive management and in compliance with all FLSA regulations.

In addition to the Exempt and Nonexempt categories, employees also belong to one of the following employment categories:

Regular full-time employees are employees who are regularly scheduled to work the Town's standard 40 hours a week, or hours established by a CBA. Generally, regular full-time employees are eligible for all the Town's and/or the applicable collective bargaining agreements' benefit programs, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-time employees are employees who are regularly scheduled to work less than 30 hours per week. Most part-time employees with the Town work approximately 25 hours a week. Part-time employees receive all legally mandated benefits, (such as Social Security and workers' compensation insurance).

Part-time employees who work on average 30 hours per week may be eligible to participate in the Town's health insurance plan. They also may be eligible to participate in some of the Town's other benefit programs. For eligibility, please refer to each benefit program under the *Employee Benefit Programs* section of this manual.

Seasonal/Temporary/Contractual employees will be notified of their classification upon hiring. From time to time, the Town may hire employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary, seasonal, or contractual employee. The job assignment, work schedule and duration of the position will be determined on an individual basis.

Normally, a temporary position will not exceed six (6) months in duration, unless specifically extended by a written agreement. Regardless, temporary positions shall not be converted into

permanent positions by virtue of the extension of a position's duration in excess of six (6) months. Summer employees are considered temporary employees.

Access to Personnel Files

The Town shall comply with federal and state laws for proper documentation and retention of all materials within an employee's personnel file. Personnel files are the property of the Town or the Police Department. Because this information is highly confidential and we respect employee privacy, only persons with a legitimate business reason will be allowed access to personnel files.

An employee may contact the HR Manager to request the review of their file; however, they are not permitted to take or copy any document(s) but are permitted to take personal notes. Managers and supervisors may also, for valid reasons, have access to the personnel file of an employee he or she supervises but only with the permission of the Town Manager or Chief of Police. This access must be in the presence of the Human Resources Manager.

The Town Manager and Chief of Police always have access to all personnel files.

Medical Examinations

Applicants and employees who are required to undergo medical exams will be required to sign a form consenting to release to the Town all medical information from examinations or medical records that are related to their fitness or ability to perform the essential functions of the job in question.

All information obtained by the Town concerning physical and medical examinations of applicants and employees is maintained in separate medical files and treated as confidential records that are disclosed only as required or limited by the Federal Americans with Disabilities Act, Genetic Information Nondiscrimination Act, and other applicable federal and state laws and regulation.

Drug and Alcohol Testing

Upon an offer of employment, applicants will be tested for alcohol content and for the use of controlled substances. The offer of employment will be withdrawn from any individual whose test reveals an alcohol content of 0.02 or greater and/or for the presence of a controlled substance unless such controlled substance is present because of a valid medical prescription.

Employees of the Town are tested for the presence of drugs and alcohol following any job related accident or injury. Staff members with roles subject to Department of Transportation (DOT) regulations are also required to randomly test periodically to maintain compliance with DOT requirements.

Driver's License and Driving Record

Employees whose employment with the Town requires the operation of any Town-owned vehicle must present and maintain a valid driver's license along with a driving record acceptable to the Town insurer. In addition, Public Works Department and Electric Department employees, and all other employees who are authorized and/or required to drive a commercial vehicle, must have a

commercial driver's license (CDL) upon employment or be able to obtain a CDL within six (6) months from the start of their employment, and at all times during employment.

Failure to comply with the above requirements may result in disciplinary action, up to and including suspension or termination of employment. Employees who operate a Town vehicle without a valid driver's license, (passenger or a CDL license if required), or while on uninsurable status, or who falsify information about the status of his or her driving privileges, will be subject to disciplinary action up to and including termination.

The loss of the right to drive may prevent an employee from fully executing his or her duties which maybe the basis for discipline up to and including termination.

Nothing in this policy will preclude an employee from requesting to the Town Manager, Chief of Police, or HR Manager that the Town provide a reasonable accommodation to the employee in connection with his or her driving.

Personal Data Changes

Employees shall maintain all relevant personal and professional information up to date with the HR Manager. Such information includes but is not limited to:

- Current mailing address
- Current telephone numbers, (home and cell)
- Personal email address
- Marital status, (for benefit purposes)
- Changes to dependents' information
- Emergency Contact
- Beneficiary changes for applicable benefit plans
- Educational accomplishments
- Any other possibly relevant information

Performance Evaluations and Salary Adjustments

Supervision and assessment are ongoing processes during which the employee's strengths and weaknesses are evaluated. Supervisors and employees are strongly encouraged to discuss job performance on an informal, day-to-day basis.

A verbal evaluation will be conducted with new employees after six (6) months of employment.

All non-union employees may be evaluated from time to time with a written evaluation. Written evaluations are designed to improve the employee's understanding of the job, the standard of his or her work, to note areas needing improvement, and to encourage growth.

At the evaluations, supervisors or managers should review with the employees their job performance and their relationships with the supervisor and staff. Each evaluation is to be written using the corresponding "Employee Performance Evaluation" form and the employee will be given the opportunity to comment. All evaluation forms must be signed by the supervisor and the employee.

An employee disagreeing with the evaluation may have further discussion with the supervisor and/or request a conference with Human Resources, the Town Manager, or the Chief of Police.

The Town Manager or the Chief of Police may place any employee who does not receive a positive annual evaluation on a performance improvement plan (PIP) period not to exceed 90 days. If placed on a PIP, the employee will be given every opportunity to bring his or her performance up to the standards set. Failure of the employee to improve will result in either suspension without pay for a designated time period or in termination. Through the process of disciplinary action, the Town Manager or Chief of Police reserves the right to terminate any employee who fails to correct unsatisfactory job performance.

Salary adjustments are based on several factors: merit, the individual's overall performance, as well as the availability of funds as determined by the Town Council. A performance evaluation does not always result in an automatic salary increase.

Employment Separation

All separations of employees from positions in the service of the Town will be designated as voluntary, involuntary, at-will no cause, or for cause, as follows, and employees who are members of a union shall refer to their collective bargaining agreement for policies/procedures relating to separation.

Resignation, (Full-Time, Part-Time, Temporary/Seasonal)

To resign in good standing, an employee must give at least two (2) weeks' notice of their intention to terminate employment. Such notice must be given in writing by the resigning employee to his or her department supervisor who will promptly notify the Town Manager or Chief of Police and Human Resources.

The Town Manager or Chief of Police reserves the right to provide the resigning employee with two weeks' pay in lieu of time worked by the employee.

Reduction in Force, (Temporary Furlough / Permanent Reduction)

If a reduction in force becomes necessary, the Town Manager or the Chief of Police will reserve the right to make decisions in the best operational interests of the Town. The Town Manager or the Chief of Police will work with the HR Manager and department directors regarding impacted employees.

- Temporary Furloughs:
The Town will provide impacted employees designated to enter temporary furloughs as much notice as possible, but no less than one week. Written notice of furloughs shall include as much detail regarding benefits and employment status, but at minimum: changes to employment status, work schedules and changes from expected performance measures.
- Permanent Reduction(s) in Force:
Employees or positions permanently eliminated from Town operations for the duration

of the calendar year shall be provided as much notice as reasonably possible. Permanently eliminated positions shall be eligible to receive severance pay. Severance shall be at least two (2) weeks' pay plus one additional week pay for each full year served with the Town in full-time capacity in the position held at time of the reduction in force. A partial year of service to the Town shall count as a full year when exceeding seven or more prorated months. Severance shall include healthcare coverage through the end of the preceding month of separation, at which time COBRA coverage will be offered. Severance pay is in addition to payment owed for time worked and eligible payout of accrued unused vacation time.

Retirement

Employees eligible to apply for retirement and immediately receive benefits can file for separation under the retirement guidelines and in good standing. An employee must provide at minimum four (4) weeks' notice for their last day worked. Human Resources may outline further notice prior to last day worked to process benefit paperwork and ensure timely receipt of pension payments. Town employees can use accrued, unused vacation time after their actual last day worked, but no more than four (4) weeks or through the end of the month, whichever comes first. Accrued vacation time can be used if elected; however, accrued sick time cannot be used.

Death, Non-Work Related

All compensation and benefits due the deceased employee will be paid to the named beneficiary of the deceased employee or, if no beneficiary is designated, to the estate of a deceased employee. The date of death will be recorded as the separation date for computing compensation due.

Termination and Dismissal

The Town Manager or Chief of Police shall have the authority to terminate employment for at-will employees pursuant to State of Delaware law. The Town Manager or Chief of Police may elect this option in the best interest of Town operations. Employees terminated by At-Will, No Cause separation shall be issued written notification that outlines at minimum their separation date, separation benefits and eligible post-employment coverages. Employees terminated At-Will, No Cause shall be eligible to receive severance pay as defined above in the section: Reduction in Force, Permanent Reduction.

The Town Manager or Chief of Police shall have the authority to terminate employment for cause, which shall separate employment not in good standing, withhold severance payments, withhold good-standing benefit payments, and withhold any other potential accrued benefit payments. Separation for cause shall include written notice and documentation of all procedural obligations under State of Delaware Title 19 or local Town personnel policies. Medical, life and other insurance coverages shall terminate no later than the end of the month written separation notice was issued.

Job Abandonment

Employees (including union members) who fail to report to work or contact their Front-line Supervisor or Manager for three (3) consecutive workdays will be considered to have abandoned their job and resigned without notice, effective at the end of their normal shift on their last day worked.

The supervisor will notify Human Resources, and the Town Manager or the Chief of Police at the expiration of the third workday and initiate the appropriate paperwork. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

Time Off and Leaves of Absence

The Town provides a range of time off programs to eligible employees. Eligibility for each time off program depends on a variety of factors, including employee classification. To better understand exactly which programs an employee is eligible for, The Manager's Office, HR Manager or Chief of Police will review these with the employee when they are hired. All employees covered under a CBA should refer to their union's rule book and contact their union steward if they have questions regarding items not outlined in this Manual.

The following time off and leaves of absence programs are available to eligible employees, subject to terms and conditions of each program:

- Holidays
- Vacation
- Sick Leave
- Family and Medical Leave (FMLA)
- Unpaid Leave of Absence
- Bereavement Leave
- Jury Duty Leave
- Witness Duty
- Military Leave
- Volunteer Fire Fighters Leave
- Workers' Compensation Leave

Holidays, (for Non-Union Employees)

Employees who are members of a union should refer to their CBA for a list of holidays and how holiday pay will be treated.

The Town provides paid holiday time off to all regular full-time and regular part-time employees upon hire. Regular, part-time employees receive holiday pay on a pro-rated basis in accordance with their established work schedule. Seasonal, Temporary, and other non-regular classified employees are not eligible for holiday pay.

The Town recognizes the following holidays for non-union employees:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve Day (If it falls on a Friday, Thursday will be observed)
- Christmas (December 25)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid vacation, holiday pay will be provided instead of the vacation benefit that would otherwise have applied.

Paid time off for holidays is not counted as hours worked for the purposes of determining overtime.

Work Required on a Recognized Holiday:

- If a nonexempt employee is required to work on a recognized paid holiday, the employee will be paid for the holiday and be paid at time and one-half of their regular rate of pay for any hours worked on the holiday.

If the office should close early due to the day before a holiday, an employee who did not come into work that day, (whether on a scheduled vacation, sick, comp time, leave of absence, etc.), does not get an extension of their vacation period nor are they entitled to the additional pay or hours off at a later date.

Scheduled work on holidays for other than Police Department employees will require the prior approval of the Town Manager or Chief of Police. Police Department employees will normally be on a previously-approved schedule.

Vacation

Employees who are members of a union should refer to their CBA for vacation time policies.

The Town provides paid vacation leave for the following:

- All regular, full-time employees
- All regular, part-time employees on a pro-rated basis in accordance with their part-time work hours

Casual/Seasonal/Temporary employees are not eligible for paid vacation leave.

Accumulation of Vacation Time

While eligible employees accrue vacation time for each month they work, they are not able to use accrued vacation time during the first six (6) months of employment, unless specifically authorized based on staffing levels and operational feasibility by the Front-line Supervisor, the Town Manager, or the Chief of Police.

After the employee has met the waiting period requirement, vacation time is available according to the following chart. A vacation day is 8 hours and may be taken in 1-hour increments (nonexempt) or half (4-hour) days (exempt).

Years of Eligible Service	Vacation Days Earned Each Year	Accrued for Each Completed Month of Service
0-5 years of full-time service	12 days	1 day
5-10 years of full-time service	15 days	1.25 days
10-15 years of full-time service	18 days	1.50 days
15-20 years of full-time service	21 days	1.75 days
20+ years of full-time service	24 days	2 days

The employee's length of eligible service is calculated based on their date of hire, (for full-time employees), or the date the employee moved into the full-time employee classification.

On January 1st of each year, all vacation days for that year will be front loaded into the employee's vacation bank to be used during that calendar year.

Vacation time will not accrue when an employee is on unpaid approved Family and Medical Leave (FMLA) or any other unpaid extended leave of absence.

The maximum carryover allowed will be capped at 35 days. If an employee has accumulated more than the maximum allowable amount of unused vacation leave on January 1st of any year, the amount of accumulated vacation days will be reduced to the permitted maximum, and any unused balance will be forfeited.

Vacation Pay

Vacation pay will be computed at the employee's current weekly salary, or based on 40 hours for hourly employees, or based on the hourly rate for part-time eligible employees.

Vacation Time Sell Back

During the month of December, all regular full-time employees may sell back to the Town up to a maximum of five (5) days of unused vacation time earned by the employee since the prior December.

The payment in lieu of vacation will be made only in December of each year and will be deducted from the current calendar year's unused vacation leave. The employee must submit a completed "Vacation Sell Back Request" form to the employee's Department Head by November 15th. The employee will be paid based on his or her base salary at the date of the issuance of the pay back check.

Pay in lieu of vacation will not be considered pay for pension purposes. The Town will not make pension contributions based on the pay and the pay will not be used to compute pension benefits.

Authorization for Taking Vacation Time

To schedule vacation time of at least one week, employees should submit a request to their supervisor at least two weeks before the requested time off. For vacation time of less than a week, employees should ask for the time off from their supervisor at least a few days in advance

if possible.

Department Heads will schedule vacation time with regard to the operating requirements of the Department. The scheduling of vacation periods will be based on seniority and is always subject to the discretion of the Town Manager, Chief of Police, or the Department Head in the event of changing circumstances or emergency needs.

Vacation requests for time off may be denied due to staffing and operating requirements.

Vacation Pay at Termination

Employees earn vacation through their last actual day of work. Any unused vacation time employees have available at the time of their resignation or termination will be paid to them if separation is in good-standing and for no cause.

Accrued vacation time will be withheld from any employee who utilized the Town's Educational Assistance program and did not remain employed by the Town for two (2) full years from date of last reimbursement. Eligible vacation payout shall offset funds owed to the Town, if any, and any remaining balance shall be paid to the employee.

Vacation Record

Employees direct deposit vouchers will show all available vacation, sick, and comp time (if applicable) at the end of each payroll period.

Sick Leave

Employees who are members of a union should refer to their CBA for sick leave policies.

The Town provides paid sick leave for the following:

- All regular, full-time employees
- All regular, part-time employees on a pro-rated basis in accordance with their part-time workhours

Casual/seasonal or temporary employees are not eligible for paid sick leave.

Sick leave pay for Town employees and applicable union employees will run concurrently with any approved Family and Medical Leave (FMLA) absence.

Sick leave is not granted to an employee who is receiving Workers Compensation Leave Benefits.

Employees begin to earn sick leave from their date of hire; however, they are generally not eligible to use sick leave until completion of their first six (6) months of employment, except in unforeseen, personal medical scenarios.

Regular full-time employees earn one (1) day of sick leave for each completed month of service – for a maximum of twelve (12) days in any calendar year. One (1) day of sick leave equals eight

(8) hours.

Sick leave will be granted for the following reasons:

- The employee's own illness or physical incapacity.
- Illness in the employee's household requiring quarantine certified by a physician or public health officer.
- Personal medical, dental, or optical appointments which cannot be scheduled during off-duty hours.
- An immediate family member's unforeseen and emergent illness or injury. Immediate family is defined as members stated within the Conflict of Interest/Nepotism policies of this Manual.
- Sick leave may not be taken in increments of less than one (1) hour.

Sick leave will not be paid to employees who have exhausted all accrued sick leave.

Sick pay is calculated at the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Sick leave time continues to accrue while an employee is on paid leave, however it does not accrue while an employee is on unpaid leave. When the employee returns from sick leave, the time spent on leave will be counted towards eligible continuous service in computing future vacation and sick leave accruals. If one of the Town's paid holidays occurs while an employee is out on approved sick leave, the employee will be paid for the holiday and the day will not be charged to the sick leave allowance.

Sick leave can accumulate to a maximum of 260 days, (or 2,080 hours), for non-union employees. At separation for retirement, non-union employees are paid out 50% of their accrued sick leave up to a maximum of 50% of 90 days, (45 days cap). Any remainder of accrued sick leave is forfeited. Pay out of sick time shall not be eligible for voluntary or involuntary separations. Retirement shall be defined as immediately eligible to receive Town pension benefits.

Notification

All employees, (union and non-union), who will be absent from work for unforeseen sick leave purposes must notify their Front-line Supervisor or Manager at least 60-minutes prior to the employee's scheduled starting time.

Because of the critical nature of shift work, a shift worker must notify the on-duty shift supervisor of a need to take sick leave no later than two (2) hours prior to the beginning of the shift. Failure to notify the supervisor with the required notice will be considered to be absent without approval, will receive no compensation while absent, and may be subject to termination for such unapproved absence, unless such failure to notify is a result of a medical or other emergency that affects the employee's ability to provide notice.

If an illness requires prolonged sick leave of three (3) or more consecutive working days or the employee has excessive absences, the Town may require the employee to present a statement

from a licensed, practicing physician certifying that the employee's condition prevented him or her performing the duties of their position. If the sick time is covered by the Family and Medical Leave (FMLA) policy or as part of an approved reasonable accommodation under the ADA, the applicable policy will control.

A statement from a physician may be requested at any time if sick leave abuse is suspected. Any employee who knowingly falsifies information provided to the Town regarding any personal illness, injury or absence will receive no compensation while absent and may be subject to termination for such falsification of information.

Sick leave abuse is defined as pattern absences, (e.g., frequently calling out sick in connection with weekends, vacations, and holidays), and/or using sick leave when the employee has none available. Sick leave abuse is subject to disciplinary action up to and including termination.

An employee's, (or their child's, spouse's, or parent's), prolonged illness or medical treatment may qualify for family and medical leave. Please refer to the *Family and Medical Leave (FMLA)* Policy in this manual for additional information.

Family and Medical Leave (FMLA)

Employees, (union and non-union), of the Town of Smyrna are eligible for family and medical leave (FMLA) if they have at least 12 months of service with the Town, have worked at least 1,250 hours within the preceding 12-month period, and work at a worksite where there are at least 50 employees within a 75-mile radius. If eligible, an employee may be able to take up to 12 weeks of unpaid leave during a 12-month period for the following reasons:

1. The birth of a child or to care for a child within the first 12 months after birth.
2. The placement of a child with the employee for adoption or foster care and to bond with and care for the child, (within the first 12 months after placement).
3. To care for their spouse, (or domestic partner), child, or parent who has a serious health condition.
4. Because of their own serious health condition(s) that prevents them from performing their job duties.
5. If the employee experiences a qualifying exigency that arises out of the fact that their spouse, parent, or child has been called to or is on active duty as a member of the National Guard or military reserves, (it does not apply to active duty served by a member of the regular armed forces).
6. Military Caregiver Leave, (also known as covered service member leave), to care for an ill or injured service member. This leave may extend up to 26 weeks in a single 12-month period for an employee to care for their spouse, son, daughter, parent, or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Requesting FMLA Leave

The Town determines if employees need for leave qualifies as FMLA leave based only on information received from employees or their spokesperson, such as their spouse or healthcare provider. Details on the policy and process for requesting leave are available from HR.

Continuation of Benefits

The Town will maintain employees' coverage under its group health plan with the same terms and conditions that would apply if the employees were actively working. During FMLA leave, employees will be responsible for their co-pays and other insurance costs as if they had remained working. The Town will advise the employee concerning the necessary arrangements for such premium payments prior to the commencement of the leave. If the premium payment for the health insurance is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave and the employee will be offered COBRA.

If the employee contributes to other voluntary benefit programs, (i.e., dental insurance, AFLAC policies), the Town will continue making payroll deductions while the employee is on paid leave. If the employee is on unpaid leave these insurance coverages will continue as long as the employee makes arrangements to timely pay the monthly premiums while out on FMLA leave. Failure to make payments for these other insurance plans, if any, may result in the termination of coverage.

FMLA leaves are **not** considered a break in service for determining the amount of vacation and sick time eligibility or length of continuous service with the Town for determining eligibility for other employee benefits. However, employees do not accrue vacation or sick time benefits or receive holiday pay during the portion of FMLA leave that is unpaid.

Concurrent Leave with Vacation, Sick, and Workers' Compensation Leave

The employee must use any accrued paid vacation or sick time to the extent available during FMLA leave unless such leave is covered under workers' compensation or short-term disability policy, in which case the employee may use accrued leave time only for the purpose of satisfying any waiting period or supplementing the difference between regular pay and the disability benefit. Absences in excess of these accrued paid days will be treated as FMLA leave without pay. Regardless of the payment arrangements during the FMLA event, it may not exceed 12 weeks in any 12-month period.

Employees' workers compensation leave runs simultaneously with FMLA leave.

An employee who fails to return at the end of FMLA leave will in most cases be considered to have voluntarily resigned his or her position with the Town. Employees who do not return to work at the end of their leave will be terminated unless they are entitled to additional leave as a reasonable accommodation under the Americans with Disabilities Act.

State and Local Laws

When state and local laws offer more protection or benefits, the protection or benefits provided by

those laws will apply.

If an employee has any questions regarding their rights under the Family Medical Leave Act or the company's FMLA policy, please contact Human Resources.

Unpaid Leave of Absence (for Non-Union Employees)

The Town, recognizing that circumstances occasionally arise requiring absence from work beyond what Vacation and/or Sick leave provides, sets forth in this policy the conditions under which an Unpaid Leave of Absence may be granted. All regular full-time and part-time employees who have been employed for a minimum of 90 days with the Town, and who may not yet qualify under FMLA regulations, (i.e., have at least one year of service), are eligible to apply for an Unpaid Leave of Absence. This leave is not guaranteed, and the employee's job performance, absenteeism, and department requirements will all be taken into consideration before a request is approved.

An employee may request this leave for the following reasons only:

- To recuperate from the employee's serious illness or injury
- The birth of the employee's child, (or medical issues related to the pregnancy)

If approved, this leave is for a maximum of 30 days. Please contact Human Resources for more information on request procedures.

Any available accrued vacation and sick leave must be used first before an unpaid leave of absence will be granted.

Payment of the Town's normal benefits of health insurance will continue to the extent permitted by the various insurance carriers during the leave of absence. An employee who has been granted an approved unpaid leave of absence must make arrangements, in advance of the leave, if possible, with the Payroll representative for payment of the employee's share of benefit contributions, (i.e., health and dental premiums).

Vacation and sick leave will not accrue during an Unpaid Leave of Absence. Holidays will not be paid during an unpaid leave of absence.

Further, recognizing the adjustments that usually occur in the above situations, employees can discuss with the Front-line Supervisor or Manager the possibility of scheduling an alternative work schedule.

The employee must return to work on the scheduled return date or be considered to have voluntarily resigned from his or her employment. This leave may not be extended past the maximum 30 days.

Bereavement Leave

Employees who are members of a union should refer to their CBA for bereavement leave policies.

All employees that need to take time off due to the death of an immediate family member should

notify the Front-line Supervisor or Manager immediately, and report to the HR Manager. The employee may be required to provide proof of the family member's death and relationship. The employee must notify the Front-line Supervisor or Manager, in writing, if the bereavement leave is to be used at another time than the time immediately surrounding the time of death of the family member, which may require Town Manager or Chief of Police approval if services or time-off request is greater than 14-days from the notice of passing. This written request must be provided within seven (7) days of the death of the family member.

Up to five (5) days of paid bereavement leave will be provided to regular full-time employees for the death of a member of the employee's immediate family. The Town defines "immediate family" as outlined in Conflict of Interest / Nepotism in this Manual.

Bereavement pay is calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. While an employee is on paid bereavement leave, benefits will continue as though on regular duty. When the employee returns to work, the time spent on paid bereavement leave will be considered as continuous service in computing vacation and sick leave accruals.

Jury Duty

Employees who are members of a union should refer to their CBA for jury duty policies.

The Town supports the civic process and the obligation of employees to fulfill a role as a juror. Regular full-time and part-time employees shall be paid their regularly scheduled shift for days required to report Jury Duty. All employees shall disclose to the Town their court documentation, summons and selection, if applicable, to document attendance. If an employee is selected as a juror for an extended case, the Town will work with the employee to address their required time away from work without prejudice.

If an employee is not selected as a juror, and more than half of their normally scheduled day remains, they must report to work or take personal time off for the duration of the day.

Witness Duty

The Town requires employees to appear in court for witness duty when subpoenaed to do so for Town related incidents. Personal matters that require appearances in court will not be paid-Town time; however, an employee may elect to request paid or unpaid time-off. Requests should be made to the immediate supervisor and confirmed with the HR Manager.

Military Leave

The Town's policy is to comply with all applicable laws that afford protection rights to employees serving duty with the Military, Military Reserve, and National Guard. The Town will grant a military leave of absence to employees who are absent from work because they are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees are required to give the Front-line Supervisor or Manager advance notice of upcoming military service, unless military necessity prevents advance notice, or

it is otherwise impossible or unreasonable.

All regular full-time employees, upon presentation of orders, will be granted Military Leave for the specified period.

Partial Pay during Military Training Leave for Non-Union Employees

Non-union employees who are members of the National Guard or Armed Forces Reserve are allowed partial pay for up to ten (10) working days per calendar year for military training leave. Employees must request military leave as soon as possible prior to the effective date of the leave and submit a copy of orders to the Front-line Supervisor or Manager for assignment to active duty for training.

If the employee's military compensation received while on military training leave is less than the employee's normal wages, calculated on the basis of a standard work week, the employee will receive the pay differential. A copy of the employee's military pay voucher must be submitted with the request for pay differential compensation. If the military duty is required beyond the ten (10) working day period, the employee may take accumulated vacation leave or be placed in a leave without pay status.

Activation of Reserves or National Guard

Employees who are members of an organized military reserve of the United States or the Delaware National Guard and who are ordered to perform emergency duty under the supervision of the U.S. Government, or the State of Delaware will be granted a leave of absence during the period of such activity.

These non-union employees will receive the pay differential in the amount by which the employee's normal wages, calculated on the basis of a standard work week, exceeds any pay received as a result of performing emergency duty. A copy of the employee's military pay voucher must be submitted with the request for pay differential compensation.

Temporary, part-time, and union employees are not eligible for military pay.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

Benefit accruals, such as vacation, sick, and holidays, will be suspended during a military leave and will resume when the employee returns to active employment.

Employees who are on military leave for up to 30 days must return to work on the first regularly scheduled work period after service ends (allowing for reasonable travel time). Employees who are on military leave beyond 30 days must apply for reinstatement in accordance with USERRA and all applicable state laws.

Upon returning to work, for the purpose of determining benefits that are based on length of service, employees will be treated as if they had been continuously employed.

Volunteer Fire Fighters' Leave

Any Town employee who is an active volunteer fire fighter with the Citizen's Hose Company No. 1, Inc. may, with the approval of the employee's Department Head in consultation with the Town Manager or Chief of Police, be permitted to respond to in-town fire calls during the employee's regular hours of employment without loss of pay.

Workers' Compensation Leave

All employees will be eligible for workers' compensation leave while physically incapacitated because of an "on-the job" sickness or injury covered by the Delaware Workers' Compensation Act. Casual/seasonal or temporary employees will be placed on an unpaid leave of absence status.

Workers' compensation leave will begin when the employee is declared by his or her physician to be physically incapacitated due to an on-the-job illness or injury. This leave will run concurrent with Family and Medical Leave.

While an employee is on workers' compensation leave, benefits and other leaves will accrue as though on regular duty.

Employee Benefit Programs

Overview of Benefit Programs

Eligible employees at the Town are provided a wide range of benefits. Several the programs, (such as Social Security, workers' compensation, and unemployment insurance), cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification and whether an employee is a union or non-union employee. Human Resources can identify the programs for which employees are eligible.

The table below shows what benefit programs are available to union and non-union employees.

Benefit	Full-Time	Part-Time	Temporary
Blood Bank	Yes	No	No
Credit Union	Yes	No	No
Deferred Compensation (457 Plan)	Yes	No	No
Dental Insurance	Yes	No	No
Disability insurance – short-term and long-term	Yes	No	No
Educational assistance (non-union employees only)	Yes	No	No
Group Life and AD&D and travel accident insurance	Yes	No	No
Health insurance	Yes	*Possibly	No
Pension plan**	Yes	No	No
Social Security	Yes	Yes	Yes
Supplemental AFLAC insurance plans	Yes	No	No
Uniforms & Safety equipment allowance***	Yes	Yes	Yes
Workers' compensation insurance	Yes	Yes	Yes

*A part-time employee who works an average of 30 hours or more a week may be eligible for health insurance in accordance with the Affordable Care Act (ACA).

**Employees hired prior to January 1, 2012, are covered by the Town of Smyrna's Employee Pension Plan. Employees hired after January 1, 2012, are covered by the State's County/Municipal Employees Pension Plan effective for service starting January 1, 2015.

***Uniforms and safety shoe allowances are established by the Town Manager or Chief of Police subject to availability of funds and the safety and working conditions involved.

Some benefit programs require contributions through payroll deductions from the employee.

The Town will **not** pay its normal contributions for an employee's benefits for any employee who is unable to perform the job for which he or she was hired after a period of time equal to the employee's accumulated sick leave, vacation leave, and/or approved Family and Medical Leave (FMLA) has passed.

For details on current plans, please refer to the Benefit & Payroll Booklet. In some cases, a plan may also refer to other sources, such as the Plan Booklet or Summary Plan Document for that benefit. The benefits the Town offers are subject to change from time to time. The plan document of each benefit plan will supersede any information contained in the benefit policies listed herein.

Educational Assistance

Employees who are members of a union should refer to their CBA for educational benefits.

The Town provides financial assistance to any regular non-union full-time employee who has been continuously employed by the Town for at least one year and successfully completes a pre-approved formal education course. The course must be taken at a community college or university as part of a degree program. It cannot be from an on-line school. The course cannot be a requirement to obtain employment with the Town. It should be directly related to the employee's current job or to the improvement of the employee's ability to perform his or her assigned duties with the Town. The course(s) must be taken on the employee's own personal time and not while scheduled on work hours.

The employee is eligible for 100% reimbursement of tuition and book costs upon successful completion of a pre-approved course, with the exception detailed below. Indirect costs such as transportation, food and/or lodging, are not eligible for reimbursement. Successful completion of the course is defined as obtaining a "C" or better grade for an undergraduate course and a "B" or better for a graduate course, or a "Pass" for a pass/fail course. Costs incurred in the pursuit of any course for which the employee does not receive a passing grade or does not complete the course are ineligible for reimbursement. No reimbursement will be paid if the employee does not receive these grades. Employees who successfully complete a pre-approved course must submit a written request for reimbursement accompanied by documentation of the grade earned and all eligible expenses incurred.

If an employee is enrolled and receiving benefits under any other Educational Assistance Plan, such as the GI Bill or LEAA, the employee may not receive 100% reimbursement from the Town in the year he or she received other educational assistance. Instead, the employee may receive, in any year they receive other educational assistance, the difference between what the Town would have reimbursed at 100% and what the employee received from the other educational assistance plan. To receive any reimbursement from the Town, the employee must provide to the Town verified receipts of the amounts incurred.

In exceptional circumstances, the Town may pay in advance of the course completion. In such cases, employees must reimburse the Town for any advance costs paid if they do not submit evidence of satisfactory completion of the course.

Employees who wish to apply for financial educational assistance must receive the approval of the Town Manager or Chief of Police prior to the start of the course. The request for approval must be submitted in writing.

Any employee who took advantage of this program and received reimbursement is required to complete at least two (2) years of employment with the Town after receiving reimbursement. If the employee does not complete at least two (2) years of employment with the Town after reimbursement, the employee must pay back the full amount of reimbursed educational assistance funds to the Town. At termination, the employee will not receive payout for any accrued vacation or sick time until the educational assistance reimbursements have been paid in full.

Police training will be governed by the Police Code of Conduct, Police Directives and Standard Operating Procedures.

Retiree Health Insurance Coverage

Full-time employees who retire from the Town's service under the provisions of the Town of Smyrna Pension plans or the State of Delaware's pension plans may be eligible for group health insurance coverage provided for retired employees through the State of Delaware. Please contact HR for details on your eligibility.

If retirees obtain full-time employment elsewhere and are eligible for the new company's health insurance plan, they are no longer eligible to remain on the Town's health plan.

Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health and/or dental insurance coverage under our health and dental insurance plans when a "qualifying event" occurs that would normally result in the loss of eligibility. "Qualifying events" include resignation, termination of employment, or death of an employee; a reduction in an employee's hours; employee's leave of absence; employee's divorce or legal separation; or when a dependent child no longer meets the eligibility requirements as a dependent.

The period for which continuation coverage may be purchased varies with the reason for the termination of coverage and can be either 18, 29, or 36 months.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. When an employee becomes eligible for the Town's health insurance, employees will also be provided a written notice describing the rights granted under COBRA. Because the COBRA notice contains important information about employee rights and obligations, please read it carefully.

Pension Plans

Except as provided in the most current police and AFSCME collective bargaining agreements,

or any-individual employment contracts, the provisions of the current Pension Plan will be definitive.

Employees hired prior to January 1, 2012, will be covered by the Smyrna Town Employees' Pension Plan. Employees hired after January 1, 2012, will be covered by the State of Delaware County-Municipal Pension Plan. Please see the current Pension Plans for details.

The Town is responsible for assisting employees with preparing their pension application and related documents and for submitting this paperwork to the Pension Office when they are ready to retire. We suggest contacting Human Resources at least four months before the scheduled retirement date to begin the application process.

Workers' Compensation Insurance

The Town provides a comprehensive workers' compensation insurance program to our employees. The workers' compensation program covers injuries or illnesses sustained in the course of employment that require medical, surgical, or hospital treatment. Subject to the applicable legal requirements, this program provides benefits after a short waiting period or, in the event of hospitalization, immediately. Please refer to the *Workers' Compensation Leave* policy under the *Time Off and Leaves of Absence* section in this manual for additional information.

It is critical that employees inform their Manager as soon as possible about any work-related injury or illness, regardless of how minor it might appear at the time. An Incident Report must be filed with Human Resources and/or the Safety Officer. Immediate reporting ensures that, if eligible, an employee will qualify for workers' compensation benefits as quickly as possible and lets us investigate the matter promptly. Failure to report as soon as possible may result in loss of benefits.

Workers' compensation is intended to cover only work-related injuries and illnesses. Because of this, neither the Town nor our insurance carrier will be liable for the payment of workers' compensation benefits for injuries that might occur during employees' voluntary participation in off-duty recreational, social, or athletic activities that we may sponsor.

Uniforms and Safety Equipment

Unless otherwise provided by a collective bargaining agreement, the Town will provide uniforms for all non-exempt employees of the Electric, Public Works, Water & Sewer, Parks & Recreation, Building and Inspections, Customer Service, and Police departments. These employees are required to wear uniforms while on duty.

Uniforms, including shirts, pants, jackets, and shoes are provided to ensure that employees can be easily identified as representatives of the Town. They should be clean, in good repair, and worn properly as a complete uniform, with shirt tails tucked in to project a professional image.

An allowance for safety shoes and safety glasses, (at an amount to be set by the Town Manager or Chief of Police), will be made available to Electric and Public Works employees, the Town Building Inspectors, and Code Enforcement Officers.

Employees are responsible for the reasonable care of their uniforms. Therefore, the cost of avoidable damage or loss of uniforms will be paid by the employee.

An employee must wear the uniform properly, must not allow it to be worn by others, and will wear it only during working hours, to and from work, or while attending functions/meetings representing the Town. Upon separation from employment, the employee will return his or her uniform(s) to the Town.

Timekeeping, Payroll, and Reimbursements

Timekeeping

All employees are responsible for accurately recording the hours they work each day. Because time sheets are legal records, this information helps the Town comply with the laws that require us to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" is defined as all the time employees spend performing assigned duties.

Employees must adhere to any time recording requirements, including the punching of time clocks and/or completion of timecards or reports, set by the Town Manager or Chief of Police.

The Town consider attempts to falsify time keeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, or tampering with time records.

Pay Period and Paydays

All employees are paid weekly on Fridays via direct deposit. Direct deposit vouchers are distributed at work on Fridays. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The pay week runs from 12:00 a.m. Thursday morning through 11:59 p.m. Wednesday night. If the regular payday falls on a holiday, employees are paid on the last scheduled working day prior to the holiday. The Town reserves the right to change the pay day with reasonable advance notice to the employees.

The Town does not advance wages.

The Town is required by law to withhold from each paycheck the following deductions:

- Federal income tax
- Social security and Medicare taxes
- State income tax
- Any garnishments authorized by a court of law
- Collective bargaining unit dues, if applicable
-

Any other deductions authorize by law If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted timely to the Payroll Person.

Administrative Pay Corrections

The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that they are paid on the scheduled payday.

In the unlikely event that there is an error in the amount of pay received, employees should promptly advise the Payroll department so that the discrepancy can be corrected as quickly as possible.

Overtime Pay – Non-Exempt Employees

Employees who are members of a union should refer to their union's rule book for overtime pay rules.

The Town will provide additional compensation to non-exempt employees for hours worked in excess of forty (40) hours in a weekly pay period. Overtime must be approved in advance by the supervisor to whom the employee reports. (See the *Overtime* policy in this manual under the *Work Conditions and Hours* section.)

Non-exempt employees who exceed 40 hours of work time in a workweek will be paid at one and one-half (1 ½) times their regular hourly rate for any hours worked over 40 hours in a work week. Exempt employees do not receive overtime but may be eligible for Compensatory time. (See the *Compensatory Time* policy in this manual under the *Work Conditions and Hours* section.)

The calculation of overtime is based on hours actually worked over 40 hours each week. Paid time off for holiday, vacation, sick, etc. is not considered hours worked for the purpose of calculating overtime pay.

Standby Pay (For Non-Union Employees)

Designated employees are required to be on standby status during periods other than their regular work hours. During these periods, non-exempt employees will receive an additional hour a day pay for each day on standby, (or seven (7) hours for the week on standby), to be paid at their regular straight time rate.

Exempt employees do not receive standby pay.

Standby Pay If Called In to Work (For Non-Union Employees)

Designated non-exempt employees who are on standby status and are called to work for an emergency will receive a minimum of two (2) hours and will be paid one and one-half (1 ½) times their regular straight time rate, except that an employee will not receive more than one and one-half (1 ½) times their regular straight time rate if those hours worked are also overtime hours.

Mileage Reimbursement

The Town pays the standard mileage reimbursement rate as periodically set by the IRS and the General Services Administration (GSA).

Reimbursement for mileage requires prior approval from the employee's direct supervisor. Mileage will only be paid when a Town vehicle is not available, or if it is unfeasible to use a Town vehicle.

A record of the mileage traveled must be maintained and submitted to the Accounting Department when requesting reimbursement.

Travel Expenses

The purpose of this policy is to define approved Town travel expenses and the authority for incurring and approving such expenses.

Travel expenses are the reasonable and necessary expenses incurred by employees when traveling on approved Town of Smyrna trips associated with training, education, professional associations, etc. Travel is limited to professional activities for which prior approval from Human Resources or the Town Manager has been received.

Advances

Town does not provide cash travel advances, except for the reasonable costs associated with event registration, travel expenses and other pre-trip expenses approved by the Town Manager. Normally, the employee will be expected to incur expenses and submit for reimbursement on the standard Expense Report Form.

Travel Expenses

Town pays the actual amounts incurred for appropriate expenses when the employee is on approved travel out of the office. Examples of typical expenses include the following:

- Airline tickets or other approved means of travel.
- Meals and lodging paid at the current Smyrna, DE GSA Per Diem rate; if the destination/regional rates for an event exceeds +25% that of Smyrna, then the greater GSA rate shall be applied.
- Travel days to and from an event shall be eligible for Per Diem at 75% the daily rate.
- Car rental, bus, taxi, ride share and parking.
- Business supplies and services, if necessary.
- Other expenses reasonable and necessary will be approved at the discretion of the Town Manager.

Family Members

The Town will not pay any costs associated with a spouse, family member or guest attending with the employee. An employee may extend his or her travel, before or after an approved Town travel event, for personal time away from work. The extension of travel shall be disclosed and approved in advance by the Town Manager.

Air Travel

Smyrna Township will pay for the cost of an economy class ticket at the lowest cost provider, with the most direct route not exceeding one (1) connection, if feasible. Preferred airline or reward memberships shall not determine the value reimbursed by the Town. If an employee desires upgraded seating, use of membership rewards, an alternative airline, direct flight, or any change that incurs a value above the baseline rate, then he or she will personally pay the cost of such upgrade(s) if selected.

Airfare may be charged to a Town purchase card (P-card) after travel approval is received; reimbursement for personal credit card use may occur prior to the trip if time permits.

Hotels/Lodging

The lodging allowance shall not exceed the normal maximum charge for a single room. It is expected that the employee will exercise prudent judgment in the selection of a place to stay. Reservations should be made at a hotel designated as a conference/seminar site host, or accommodations reasonably available and located near the conference site but not exceeding the single room cost of the host facility. Personal preference to a hotel may be authorized, if requested; however, the employee shall incur all expenses exceeding the daily cost compared to the host facility. Lodging will be paid only for days during which the training is held and for appropriate arrival and departure time.

Rental Cars

The mode of travel is to be justified based on the most economical means in terms of costs and travel time. Personal preference may be acknowledged, (i.e., to drive vs. fly); however, the Town shall only reimburse the employee the value that is the most economical travel method. If travel by automobile is feasible, a Town-owned vehicle should be used unless the use of a personal vehicle has been approved in advance and only if the personal vehicle meets the minimum insurance requirements. Reimbursable expenses include gasoline, tolls and parking for a Town-owned vehicle and tolls, parking, and IRS mileage rate for a personal vehicle. A rental car may be obtained upon arrival only if approved in advance by the Town Manager. Taxi fares or other user-driven ride shares, (e.g., Uber/Lyft), are reimbursable only when it is necessary to use such means of transportation. If travel to and from the airport is required, arrangements should be made for the most economical method of travel, such as a hotel provided shuttle, ride share or taxi.

Reporting

An Expense Report with itemized daily costs for transportation, lodging, etc. should be submitted to the Town Manager within seven (7) business days after the employee's return to work. Receipts for expenses incurred during travel should be attached to the form excluding per diem unless the expense was incurred on a Town credit card/P-card for which per diem receipts shall be required. Discrepancies between the receipts and listed expenses should be noted. If the employee is requesting reimbursement for expenses, a memorandum documenting his or her Expense Report should be submitted to the Town Manager for approval, indicating the expense category for which reimbursement is sought. The employee should submit a check made payable to Smyrna Town if a balance owed to the Town is calculated.

Work Conditions and Hours

Work Schedules

The work schedules of each Town employee will be established by the Front-line Manager and approved by the Town Manager or Chief of Police.

Employees normal workdays are determined by the following schedule:

- **Full-Time Employees.** The standard work week for Exempt and Non-Exempt Employees is forty (40) hours unless a different schedule is recommended by the Town Manager or Chief of Police and approved by Council. Employees are entitled to a paid ten (10) minute break period during the first four (4) hours of the day and another paid ten (10) minute break during the last four (4) hours of the day.

The Town Manager or Chief of Police may assign certain positions or classes a work schedule which differs from that considered to be standard. Upon receipt of approval from Council, such aschedule will become the standard schedule for those affected employees.

- **Part-Time Employees.** Part-time employment, (less than thirty (30) hours per week), will be performed only according to schedules established by the Front-line Supervisor in consultation with the Town Manager or Chief of Police as may be required to accomplish the assigned functions.

Part-time employees' compensation will be set at the minimum per hour rate for the position as determined in accordance with the civilian compensation plan.

If a part-time employee becomes a full-time employee, his or her anniversary date for vacation and sick time accruals and paid holiday purposes will be the date the employee attains regular full-time status.

- **Casual/Seasonal or Temporary Employees.** Casual/seasonal or temporary employees' compensation will be based on a scale approved by the Town Manager or Chief of Police reflecting the degree of difficulty and skills required of the job. These employees are not entitled to any fringe benefits except Workers' Compensation. They are not entitled to any paid vacation, sick, or holiday time.

Normal Work Week

Full-time employees normal work week is five (5) days of work, Monday through Friday. In the case of Police Department employees, their normal work week may vary in number of days and hours worked.

Employees are expected to be at work during their normal scheduled hours. Whenever an employee finds it necessary to be absent from work for illness or some other reason, they are required to contact their direct supervisor via text or phone call early in the morning of the day they will not be at work and leave a message.

- Occasionally the weather will be such that the Governor declares a state of emergency and prohibits driving. On those days employees may either use accrued vacation time, compensation time, not be paid, or make up the work later in that same work week.

Compensation

At the Town of Smyrna, compensation for employees is established each budget season and outlined in the Personnel Manual and by the following terms. All employees shall be classified as Exempt or Non-Exempt based on the Fair Labor Standards Act and reflected in Town Pay Band classifications or hourly wage rates. The following policies are for Town employees; those employees covered by a collective bargaining agreement shall reference the current agreement for compensation policies. These policies may apply to the Town Manager and Chief of Police if not addressed specifically with their appointed employment to the Town.

Non-Exempt Employees (non-union)

Non-exempt employees not covered by a collective bargaining agreement shall:

- Be assigned a pay range with an associated hourly rate, and time tracking for compensation purposes shall be in 15-minute increments.
- Perform work during established working hours for the organization; a flex schedule is not permitted and changes to established work hours must be approved by the Town Manager.
- Be eligible for overtime:
 - Employees may routinely work an eight (8) hour day with an unpaid thirty (30) minute lunch each day. Time worked exceeding forty (40) hours in a pay period is eligible for overtime compensation at 1.5x the hourly rate.
 - Employees must be assigned or given authorization for overtime work; self-directed work that will incur additional compensation shall not be permitted or compensated.

Exempt Employees

Exempt employees shall:

- Be assigned a pay band with an established salary rate, and even as salaried employees, may be required to track time and complete time sheets for auditing purposes at the Town's discretion.
- Exempt employees shall not be eligible for overtime or compensatory time.
 - Exempt employees supporting Town infrastructure that experience unforeseen calls for service outside normal operating hours, or planned after-hour meetings, that cannot be addressed remotely are eligible for \$100 (One Hundred Dollars) per payroll stipend as authorized by the Town Manager.

- Exempt employees shall have the ability to operate on a flex schedule, but schedules shall be consistent and planned to best service the Town's goals and needs. Schedules shall be approved by the Town Manager.
- Exempt employees acknowledge that their position within the organization may require additional hours of work and availability (on-site, mobile, etc.) outside of the normal office hours for which they will not receive additional compensation.

Merit Step and Wage Growth (non-union employees)

Employees shall receive merit-based wage growth consideration on their anniversary date based on performance. The Pay Bands scale establishes a minimum and maximum wage range for exempt employees, and the department director, HR Manager and the Town Manager shall determine the merit-based value range from 1% to 3%, not to exceed the maximum range established in the Pay Bands.

A positive review that is not deficient and up to exceeding, shall receive at minimum at one percent (1%) increase. The HR Manager shall provide a form to each department director to complete that will provide criteria to formally make a written recommendation to the Town Manager.

- The Town Manager and HR Manager will review all requests for merit growth.
- The Town Manager may adjust, up or down, the recommended value for merit growth after review of each request.
- Growth shall be based on merit results of performance evaluation.
- Approved wage increases shall not exceed maximum range of established Pay Band.
- If an employee reaches the maximum value in the Pay Band and is authorized a merit increase based on their performance, then the Town Manager shall have the authority to provide monetary value exceeding the maximum Pay Band value as a lump sum payment to the employee as a one-time recognition of their performance.

An employee with deficient performance shall receive a denied merit increase notification and a Performance Improvement Plan ('PIP') to outline how the employee can improve his or her performance.

- All PIPs shall be completed in writing with an established review period to determine improvement, no sooner than 30-days but no greater than 90-days.
- Successful completion of a PIP may lead to authorized merit growth moving forward without retroactive pay to the anniversary date.

All assessments shall be based on performance and documented in writing for the employee and placed in their personnel file.

Promotion

Employees promoted to a new position shall receive a 5% increase above their current base rate, or the minimum wage rate for the new position, whichever is the greater.

Promotions will not reset the anniversary date for an employee, which shall remain their full-time start date with the Town.

Promoted employees shall be placed on promotion probation. Employees being promoted shall receive an informal (verbal) 30 and 60-day review by their supervisor. A written process will occur at 90-days to confirm the successful performance and close the promotion probation. If, however, the employee is performing poorly at the new position, they shall revert to their previous position and wage if available at the discretion of the Town Manager or Chief of Police.

The Town Manager or Chief of Police reserve the right to determine in the best interest of the Town if a promoted employee is not successfully at the 30 or 60-day mark to demote before 90-days to preserve a place of employment that is viewed as successful for the employee.

Attendance and Punctuality

As an employee of the Town, it is expected for all members of the team to be reliable and punctual by reporting for work on time and as scheduled. When someone is absent or late, it places a burden on other employees and can impact productivity and client service. In the rare instances when an employee cannot avoid being late or are unable to work as scheduled, they must notify their supervisor as soon as possible. Repeated lateness will be cause for probation that could lead to termination.

If an employee does not call in or in some other way report into the Town for three (3) consecutive working days, it will be assumed they have abandoned their job and resigned.

Meal Periods

All full-time non-exempt employees are provided with one unpaid meal period each workday unless otherwise stated in a CBA. Each department may schedule normal meal periods and/or alternative meal periods to meet organizational requirements. Non-exempt employees may not perform any work during the meal period. After taking their lunch break, employees may not bring their lunch back to their desk and eat.

In compliance with Delaware law, all Delaware non-exempt employees must take at least a 30-minute meal break mid-day. This means they will be relieved of their duties and may not work through lunch to leave early, come in late, or make up lost time. Employees may have coffee, soda, and snacks at their desks during the workday to the extent it maintains a professional presentation to customers and does not create a distraction.

Any deviation from scheduled meal breaks without authorization by the Town Manager or Chief of Police will subject the employee to disciplinary action up to and including termination.

Leaving the Office During the Workday

All employees are required to advise their supervisor when they must leave the office or their worksite during the workday for personal reasons prior to leaving unless during a true exigent circumstance. Failure to provide notice shall be considered insubordination and vacating of duties.

Closure of Offices – Bad Weather and Emergency Events

Employees who are members of a union should refer to their CBA for closure, inclement weather, and emergency policies.

When the Town management closes the Town's offices to the general public during regular business hours due to inclement weather, a declared state of emergency, or other similar emergency event, the regular business hours when the offices are closed are referred to as Closed Hours. Non-union employees scheduled to work during those Closed Hours will be paid their regular, straight time pay for all such Closed Hours not worked, up to a maximum of eight (8) hours per day. Employees may be required to telework during Closed Hours if found to be in the best interest of health and safety of the employees.

Any employee not scheduled to work or who is out on approved vacation, sick, or FMLA leave during those Closed Hours will not receive any additional pay as a result of the closure.

Smoke- and Tobacco-Free Workplace

The Town is dedicated to providing a healthful, comfortable work environment for its employees.

Smoking and the use of all tobacco and tobacco-related products, including chewing tobacco and electronic cigarettes (E-cigarettes) is prohibited:

- Within all municipal buildings, including office areas, hallways, waiting rooms, restrooms, lunchrooms, meeting rooms, shops, warehouses, storage sheds, and all common areas.
- In all Town vehicles or other equipment.
- In any other areas posted as "Non-Smoking" within the Town.

No additional smoke breaks are allowed for employees beyond the routine breaks afforded to all employees.

Employees who violate the smoking policy will be subject to disciplinary action up to and including termination.

Lactation/Breastfeeding

The Town shall comply with all federal and state law, and specifically the Delaware Pregnant Workers Fairness Act.

Safety

Every employee bears the responsibility for their compliance with safety procedures and practices, and for reminding their fellow employees that safety is important.

The "Notice of Safety Violation Form" citation is to remind employees of their obligation to follow safety procedures, use safety equipment, understand safe operation instructions and manuals, and to exercise safe practices while in the workplace.

If an employee violates the Town's safety standards, causes a hazardous or dangerous situation,

or fails to report or, where appropriate, remedy such situations, they may be subject to disciplinary action, up to and including termination of employment.

In the case of an accident that results in an injury, regardless of how insignificant the injury may appear, employees should immediately notify their Front-line Supervisor. Prompt reporting can ensure legal compliance and quick initiation of insurance and workers' compensation benefits procedures.

Technology

The Town of Smyrna may provide electronics equipment including cell phones, tablets, and computers to employees to perform required tasks. These devices are to be used for business purposes only all official Town work shall be completed on Town equipment. Personal devices are not permitted, including the use of personal email to conduct Town business unless granted permission by the Town Manager or Chief of Police

When using Town property, employees are expected to exercise objective, professional care, follow all operating instructions and guidelines, adhere to protection standards, and promptly notify the IT Division if maintenance is required. Employees are responsible for all company issued equipment.

Normal wear and tear are anticipated, and the Town will replace equipment at the discretion of the Town Manager, Chief of Police and/or IT Division. Employees shall notify their immediate supervisor and the IT Division if any equipment appears to be damaged, defective, or in need of repair.

The improper, careless, negligent, or destructive use of electronic devices may result in disciplinary action, up to and including termination of employment.

Use of Cell Phones and Other Electronic Devices

Personal, non-work-related calls and text messaging are permitted during morning and afternoon breaks, or during a meal break. Personal use of a cellular device during work hours should not be a routine activity, only during a personal emergent situation may an employee complete personal use on a device during work hours. Excessive personal use of a personal device will be viewed as a performance issue and will be addressed through the progressive discipline process.

Only Town issued electronic devices shall be used for work purposes, connect to the Town network, and any personal device shall not be used on the Town network or is the Town responsible for any damage, theft, or loss.

Cellular devices shall only be used in Town vehicles, as the driver, in accordance with State laws.

Employees shall not surreptitiously record other employees, visitors, customers, documents, or any gathering with a cellular or smartphone device, by photo, audio, or video, without full advance consent. Failure to comply shall be considered a violation of policy and subject to

disciplinary action, up to termination.

Electronic Communication, Internet Use, Software Use

Daily work tasks often require the partial or full use of Town issued equipment, as well as access to software applications, internet hosted applications and other solutions for employees to effectively perform their roles. Cybersecurity threats increase on an annual basis, and all employees that utilize any type of device shall be as cautious and aware of proper, professional, and safe use. The following list shall outline but not limit the proper use of Town electronic solutions:

1. Use of Town equipment and its internet access shall be for the completion of Town tasks. Personal use, including any illegal or unprofessional activity shall be a violation of this policy.
2. Employees shall never share their unique credentials to login to Town applications. This includes not providing IT staff the employee's password. Sharing credentials is a cybersecurity threat and a direct violation of policy. Exceptions can be made when an identified, and approved, shared access does not present a cybersecurity threat or segregation of duty violation
3. The Town acknowledges that some personal activity may occur on Town email, internet, or phone system; however, such activities shall not interfere with an employee's performance, create a distraction at work, or create an issue that is considered not in the best interest of the organization at the determination of the Town Manager or Chief of Police.
4. All Town equipment, software and internet usage is for Town purposes and is subject to inspection. No employees shall have a sense of privacy while using any Town issued device, including Town internet broadband.
5. No personal devices or email addresses are permitted to be used to perform Town business unless provide advance authorization by the Town Manager or Chief of Police.

Social Media

The Town recognizes that blogs, other types of self-published online journals, and collaborative web- based discussion forums are commonly used tools for sharing ideas and information of all kinds. The personal use of blogs and other social networking forums are not allowed during working time. Accessing these types of web-based forums during working time is subject to disciplinary action – up to and including termination.

The following rules and guidelines apply to the use of these online communication tools, whether they are done on a personal web site during non-work time, or outside the workplace. The rules and guidelines apply to all employees.

- Employees have a duty to protect employees' home addresses or other personal information, and any other proprietary and non-public Town information that employees can access.
- Employees cannot use blogs or social network forums to harass, threaten, libel or slander, malign, defame or disparage, or discriminate against other Town employees,

vendors or suppliers, or any organizations associated or doing business with the Town.

Personal Blogs

The following rules and guidelines, in addition to the rules set out above in the Town's technology policies, apply to personal blogs:

- Employees who maintain blogs on their own or another web site and choose to identify themselves as employees of the Town are strongly encouraged to state explicitly, clearly, and in a prominent place on the site that views expressed in their blogs are the employee's own and not those of the Town or of any person or organization affiliated or doing business with the Town.
- The Town respects employees' rights to express personal opinions in personal blogs and does not retaliate or discriminate against employees who use their blogs for political, organizing, or other lawful purposes.
- Employees cannot use or post on their personal blogs the following, (this list is not all inclusive):
 - The Town's logo or trademark or the name, logo or trademarks of any business partner, customer, supplier, vendor, affiliate, or subsidiary on any personal blogs or other online sites unless their use is sponsored or otherwise sanctioned, approved, or maintained by the Town.
 - The Town's copyrighted information or Town-issued documents bearing the Town's name, or logo.

Employee Conduct

Professional Conduct

The Town's Council recognizes that the pressures and responsibilities of performing the required job duties, the likelihood that not everyone that an employee must serve will behave in a civil manner, and the general stresses of modern society can, from time to time, result in comments or behaviors that are inappropriate. However, Council takes seriously how we treat customers and how we, as Town employees, are perceived and respected in the community.

Our obligation to deliver professional services and to work together in that regard requires the following conduct.

- All employees work for our residents and customers and should treat them appropriately with respect, avoiding confrontation, and seeking to cooperatively resolve any issues or problems. This includes those situations where the customer is behaving inappropriately, is in violation of an ordinance or procedure, or has failed to meet their financial or other obligations to the Town.
- All employees must work together for the benefit and in the service of our residents and customers. We need to treat each other with respect.
- Employees are to refrain from making derogatory, insulting, or hostile comments to any customer, contractor, business, or fellow employee, appointed or elected official, or to another party where such action affects the performance of our responsibilities or the perception of the Town or its employees to the public.
- Employees are to refrain from making or engaging in spreading of rumors, insinuations, or gossip of a derogatory, insulting, or hostile nature about any employee's conduct, ability, family/marital situation, competence, morals, etc.
- Employees are to bring to the attention of the Town Manager, Chief of Police, or Human Resources Manager violations of this policy.

Notwithstanding any other provisions of the Personnel Policy Manual, upon a written complaint having been brought to the attention of the Town Manager, Chief of Police, or Human Resources Manager, the Department Head, and the employee against whom the complaint has been filed, along with the relevant department head, will meet to ascertain the circumstances of the complaint and any clarification or other information pertaining thereto.

Employees who violate any of the above professional conduct practices will be subject to disciplinary action up to and including termination. Disciplinary action will depend upon the severity of the incident.

General Conduct

To ensure orderly operations and provide the best possible work environment, we expect employees to follow rules of conduct that will protect the interests and safety of all employees, clients, and the Town.

The general practices listed below are intended to illustrate the type of behavior which is required

of Town employees. Such practices are intended to promote a positive work environment where the effective delivery of services is not disturbed or obstructed by disruptive behavior of Town employees. Employees are expected to:

- Be at their assigned work area ready to begin work at the beginning of their assigned shift.
- Remain at their assigned work area performing their assigned duties except for authorized breaks and reasonable absences required to attend to personal needs.
- Remain awake while on duty. Sleeping on duty is not permitted. If unable to remain awake and alert, employee must report this to their appropriate supervisor.
- Perform assigned duties and to report to their supervisor any conditions or circumstances, including any inadequacies in the instructions or the procedures specified for their work assignment, which will prevent or inhibit the employee from the effective performance of these duties.
- Adhere strictly to safety rules, including the use of safety equipment when specified, and to report unsafe conditions or practices to their supervisor immediately.
- Exercise reasonable care and caution in the operation of any Town equipment or property so as not to cause excessive deterioration or unnecessary damage.
- Keep personal phone calls, texting, and emails brief and to a minimum.
- Reimburse the Town for any personal long-distance calls, although these calls are discouraged and should only be made if it is necessary.
- Avoid profane, obscene, or insulting language. It is prohibited.
- Obey and comply with all Town, State, and Federal ordinances, laws, and statutes as well as all written and verbal Town and department policies, procedures, and work rules.

Employees who violate any of the above work practices will be subject to disciplinary action up to and including termination. Disciplinary action will depend upon the severity of the incident.

Although it is not possible to list all the forms of behavior that are considered unacceptable at work, the following are some examples of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Town-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of Town-owned property
- Disrespectful conduct, insubordination, bullying, or obstinate failure to perform assigned duties as listed in the employee's job description
- Violation of safety or health rules
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

- Leaving the job without permission of a supervisor
- Involvement in illegal activities on work premises
- Felony convictions

Since employment with the Town is based on mutual consent, either the employee or the Town have the right to terminate the employment relationship at will, with or without cause or advance notice, at any time.

Business Casual Dress Policy

An employee's personal appearance reflects on the reputation, integrity, and public image of Town of Smyrna. All employees are required to report to work neatly groomed and dressed. Employees are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming and personal hygiene, and appropriate attire for the workplace and the work being performed. A more detailed dress policy guideline is outlined below.

Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.

The Town will make every effort to reasonably accommodate employees with disabilities or with religious beliefs that make it difficult for them to comply fully with the personal appearance policy. Employees may contact the Town Manager's Office to request reasonable accommodations. Failure to comply with the personal appearance standards may result in an employee being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

To foster a consistent and positive work environment that properly represents the core values and missions of the Town of Smyrna, all employees shall follow the basic guidelines for appropriate dress. Certain employee divisions may require an attire that exceeds the below standards; the greater standard shall always take priority and govern the expectations for employment. For example, safety footwear may not be required for employees based on job duties and obligations. All employees shall follow the general guidelines below.

1. Employees shall present themselves in a neat and clean manner; tattered or torn apparel is not appropriate.
2. Business casual shall be the minimum standard for dress attire.
 - a. Male-Style Dress: Dress or polo shirts shall be tucked into khaki pants or other business casual slacks. Pants should fit appropriately and be worn along the waistline consistent with business casual attire. Winter attire, (e.g., sweaters), may not be required to be tucked.
 - b. Male-Style Dress: Shorts, jeans, sneakers, and flip-flops/hiking sandals are not acceptable attire unless a part of a particular event or program approved by the Town. Dress sandals and/or 'boat shoes' can be worn with appropriate shirts and slacks. Overtly tight or revealing clothing is not acceptable to meet the intent of this policy.
 - c. Female-Style Dress: Professional style tops, sweaters, dresses, skirts, and slacks shall be acceptable lengths to meet the intent to professionally represent the Town.
 - d. Female-Style Dress: Shorts, jeans, sneakers, and flip-flops/hiking sandals are not acceptable attire unless a part of a particular event or program approved by the

Town. Due to variety of female-style footwear, generally accepted styles will not make the 'flip-flop' sound when worn. Footwear with straps or wedges, (mules, slingbacks, peep toe, etc.), meet the intent of this guidance. Dress sandals and/or 'boat shoes' can be worn with appropriate shirts and slacks. Overtly tight or revealing clothing is not acceptable to meet the intent of this policy.

3. Private business logo-ed apparel is not permissible; marginal apparel logo of the clothier is expected and accepted. The only acceptable primary lettering and/or logo shall be that of the Town.
4. Accessories, (e.g., scarfs, necklaces, costume jewelry), are acceptable so long as it is not a safety risk, hazard, or distraction to perform the employees, or their colleagues, work.
 - a. Hat gear is acceptable for 'field' employees that are exposed to the environmental elements. The gear should be Town specific, or a solid color – private logos, sports teams or affiliations are not acceptable for the intent of this policy. This standard shall apply to winter hat gear as well.
 - b. Hat gear is not acceptable for traditionally 'administrative' employees working primarily within Town Hall or its affiliated offices.
 - c. Visible tattoos, piercings, and body art shall be acceptable so long as it is not offensive as determined by the Town Manager's Office, or a distraction to perform the employee, or their colleagues, work.
5. Field Operation Employees: As determined by job duties and obligations, employees working in the field will have an acceptable deviation from the policy intent for a business casual standard.
 - a. The colors within the Town logo are the preferred colors of clothing worn; however, any other solid color without logo is acceptable. Sleeveless attire is not permitted. All apparel shall be solid in color without logo or print, except if it contains the Town logo or text.
 - b. Employees that desire a wicking/dri-fit, lightweight material must follow the criteria noted in Section F.5(a) above. An exception, however, can be a yellow tee shirt that is also a safety, reflective, Class III shirt that meets the minimum safety, Class 3 standards set by DelDOT.
 - c. Pants/Short Pants: Tattered or torn pants shall not be accepted. Pants should be of a canvas work material. Pants shall be clean and presentable. Denim jeans of a solid blue color are acceptable for field operation employees. Short pants are not acceptable for any field operation employee.
 - d. The Town Manager may create at his/her discretion an operating policy regarding short pants for certain personnel that may be modified or rescinded in the best interest of the Town.
6. Safety Items and Apparel: While working outside of a building or vehicle, each employee is required to wear an approved, reflective, safety vest. The Town will supply all safety vests at no cost to the employee. The Town will supply all other safety items as required by assigned task.
7. Casual Fridays: Each Friday, or the day prior to a Town holiday that otherwise would have been on a Friday, employees are permitted to wear jeans/denim slacks. Compliant footwear is still required as well as all other requirements. Employees may on Casual Friday may wear shirts/sweaters that promote camaraderie or local spirit, (Smyrna school logo clothing, sports teams, etc.), but shall not promote other businesses, organizations that would not be in the best interest of the Town or create a real or perceived conflict of interest, (I.E., employees wearing clothing of a specific local business, social club, or organization, etc.).

Personal Use of Town Property (Except Vehicles)

Employees shall not use Town property for personal gain. Town equipment, materials, computers, cameras, cell phones, tools and supplies are not available for personal use, nor may they be removed from Town property, except in the conduct of official Town business or after receiving permission from a supervisor with approval granted by the Town Manager or Chief of Police. Such restriction will apply regardless of whether such items were purchased, donated, bequeathed, or in any other form provided to the Town.

Political Activities of Employees

The Town is committed to accomplishing the goal of protecting employees' right to freedom of speech. At the same time, it must protect the valid needs of the Town by keeping employees free from unfair influence or the appearance of unfair influence resulting from political pressure or the appearance of political pressure within the Town's nonpartisan city government. To do this successfully, the Town has established the following policies related to an employee's participation in political activities:

- Political participation in non-town elections.
 - Town employees may participate fully in federal elections, state-wide elections, county elections, local school board elections, all local elections for representatives to the State of Delaware General Assembly, and all other noncity elections whether partisan or nonpartisan, and may participate in any state, county, or school board referenda, so long as such participation does not interfere with employees' work duties and responsibilities.
- Political participation in Town elections.
 - A Town employee may not take part in political campaigns for any Town election subject to the definitions set forth below:
 - a. Taking part in any political campaign for city office shall not be construed to prohibit the following:
 1. Registering and voting in any town election;
 2. Expressing opinions privately about candidates for said offices;
 3. Displaying posters, stickers, badges, buttons, and similar materials on town employees' property for candidates for said offices;
 4. Signing nominating or similar petitions of town offices; and
 5. Participating as individuals in the activities of civic, community, social, labor, professional, or similar organizations insofar as they do not involve candidates for town offices.
 - b. Taking part in any political campaign for town offices shall be construed to prohibit the following activities and other similar activities:
 1. Participating, performing, or otherwise engaging in the activities permitted in subparagraph a, 3 or 4 above while on duty and/or in uniform for the town;
 2. Serving as an officer of any committee, group, club, or organization which endorses or participates in campaigns for candidates for said offices;

3. Directly or indirectly soliciting, receiving, collecting, disbursing, or otherwise handling funds to support candidates for said offices;
4. Becoming a candidate for any elected town political office;
5. Managing or directing political campaigns for candidates for said offices;
6. Publicly soliciting votes in support of, or in opposition to, candidates for said offices;
7. Serving as a poll watcher or similar official at town elections;
8. Publicly endorsing or opposing candidates for said offices as an individual or in a group or organization, in written format, political advertisement or electronic broadcast;
9. On behalf of a candidate, driving or otherwise transporting voters, other than relatives, to town election polls;
10. Addressing rallies or similar gatherings in support of candidates for said offices;
11. Initiating or personally circulating nominating petitions for candidates for said offices.

Use of Town-Owned Vehicles

The Mayor and Council have approved the retention of Town of Smyrna vehicles at the personal residences of the Chief of Police and the Public Works Director.

The vehicles are permanently assigned to these employees because they are required to respond to emergencies threatening public health, safety, and property throughout the Town of Smyrna on a twenty-four hour basis.

These vehicles are equipped with appropriate safety equipment and radios.

The vehicles will be used for official duty with the following guidelines concerning personal business:

- It is recognized that personnel who are permanently assigned Town vehicles may, while reporting to work or returning to their residence, have the need to conduct reasonable personal business. Reporting to work and returning home would generally imply that such business be conducted within the Town of Smyrna limits.
- It is further recognized that it would be unreasonable to demand that personnel permanently assigned vehicles be restricted from engaging in such reasonable personal business.
- Such reasonable personal business may include the occasional stopping at a local business to obtain goods. The intent is to allow an employee to occasionally pick up an item at a local business while returning to their residence.
- Only Town employees are allowed to ride in the Town-owned vehicles.
- No individual will operate or ride in a Town vehicle except as is required for the conduct of Town business or as specifically authorized by the Town Manager or Chief of Police, (as to police officers).

Any questions on this policy will be resolved through the Town Manager or the Chief of Police.

The Town Manager or Chief of Police is authorized under the terms of this policy to allow employees the use of Town vehicles after hours and/or to take a Town vehicle home when such use is appropriate to their duties, weather conditions, travel plans, or other requirements.

The assignment and utilization of police vehicles will be at the discretion of the Chief of Police subject to the relevant provisions of the then current collective bargaining agreement.

Violation of any part of this policy by any employee may be considered grounds for dismissal or loss of vehicle status. Employees may be held responsible for paying any damages, repairs, or fines incurred as a result of their operation or misuse of the vehicle, or their failure to return a Town vehicle, depending on the circumstances and severity of the loss.

Any employee who uses Town property for his or her personal use without permission will be subject to disciplinary action up to and including dismissal. Disciplinary action will depend upon the severity of the incident.

Driving Policy for Town-Owned Vehicles

If an employee uses a Town provided vehicle, they must comply with the following rules.

Driver Qualifications

- The employee must hold a valid driver's license.
- Employees cannot drive a Town vehicle or their personal vehicle for Town business purposes if their driving record has any of the following:
 - Driving a motor vehicle while under the influence of alcohol, controlled substances, or drugs that impair driving ability.
 - Refusing to submit to a test to determine drug or alcohol concentration while driving a motor vehicle.
 - Using a motor vehicle in the commission of a felony.
 - Leaving the scene of an accident unlawfully.
 - Transporting a controlled substance unlawfully.

General Driving Requirements

While operating a vehicle for Town purposes, employees must:

- Always observe applicable speed limits.
- Obey all traffic rules and regulations.
- Drive defensively and anticipate driving hazards, such as bad weather, bad drivers, and traffic congestion.
- Wear safety belts at all times when on the road, (for themselves and any passengers).
- Report any accidents in which they are involved to the police and their supervisor.
- Use hands-free devices for cell phones and keep calls to a minimum.
- Not text while driving.

Employees will be responsible for paying any fines, citations, related penalties, or deductibles if received for improperly operating a vehicle while on Town business.

Employees who drive negligently or fail to comply with this policy's requirements are subject to immediate discipline, up to and including termination of employment.

Reporting Accidents

Any employee who is involved in an accident while operating a Town vehicle or equipment must report such accident to the Police immediately, regardless of the severity of the accident or the extent of the property damage. The employee must also notify his or her department supervisor immediately.

The report should outline all the important circumstances relating to the accident and should state specifically the place, time, exact nature of the accident, names and addresses of all persons involved, (including witnesses), and the extent of injuries and/or damages.

Depending upon the nature of the accident, and if it is the result of gross negligence and/or reckless conduct on the part of the employee operating the vehicle or equipment, the employee may be required to reimburse the cost of repair or replacement to the Town in full or in part.

Any employee, who is involved in an accident while operating a Town vehicle or any other vehicle while conducting Town business, or other Town equipment, will be tested for alcohol content and/or for the use of controlled substances, if one or more of the following circumstances are present:

- Any personal injury to any party results from the accident.
- The responding police officer determines that a motor vehicle violation was committed by the employee.
- No personal injury to any party results from the accident but the vehicle or other Town equipment is not capable of being driven from the scene of the accident.

If the accident is the result of negligence on the part of the employee, then the employee will be subject to disciplinary action up to and including dismissal. Disciplinary action will depend upon the severity of the incident.

Any fines imposed in connection with the operation of a vehicle while on the Town's business are the responsibility of the vehicle's driver.

Motor Vehicle Driving Records Check

Driver's license checks will be performed on all applicants whose position requires holding a valid driver's license after a conditional offer of employment has been made and periodically thereafter for all employees where driving is an essential job function.

Existing Employees

The Town will check the motor vehicle records for all current employees on a periodic basis or under reasonable suspicion. Any employee without a valid driver's license will not be allowed to drive on Town business using their personal vehicle or a Town-owned

vehicle. If driving is an essential job function, and the employee cannot be reasonably accommodated, the employee will be terminated.

Attorney Representation and Indemnification

Legal Representation

Any Town employee is entitled to have the Town's attorney represent him or her, at the Town's expense, in any criminal or civil action brought against that Town employee when all of the following circumstances are present:

- Neither the Town of Smyrna, nor any elected or appointed official acting in his or her official capacity, or employee of the Town acting in his or her official capacity, is the Plaintiff or complaining party;
- The act or omission forming the basis of the civil or criminal action arose out of and in connection with the performance, (or non-performance), of an official duty, done, (or omitted), in good faith, under circumstances evidencing a belief that such act or omission was in the public interest, not adverse to the Town of Smyrna, and not in knowing violation of the Town's charter, ordinances, rules, regulations, or official policies;
- The act or omission forming the basis of the civil or criminal action was done without wanton negligence or willful and malicious intent.

Indemnification

In addition to the right of legal representation to be provided by the Town as set forth above, Town employees will have the same rights of indemnification as provided for elected and appointed officials in Section 2-76 of the Town Code as it may from time to time hereafter be amended, or in accordance with any future corresponding provision of the Town Code, **provided however**, that the same circumstances, in the three bulleted items above, as required for legal representation above, are present; and further provided that there will be no indemnification for attorneys' fees unless the Town fails to provide legal representation at the Town's expense.

For purpose of this policy only, a "Town employee" includes not only those employees on the Town's payroll at the time any criminal or civil action is brought against that Town employee, but also includes all past employees of the Town where the act or omission forming the basis of the civil or criminal action arose out of and/or in connection with that past employee's performance, (or non-performance), of that past employee's official duties as an employee of the Town of Smyrna.

Disciplinary Action

It is the Town's policy to establish disciplinary policies and procedures which are effective, fair, and consistently applied to all employees. The severity of the disciplinary measure applied will be related to the seriousness of the offense committed and may take a variety of forms ranging from a verbal warning to termination from employment. Unless specified herein, no disciplinary measure will be deemed to be a requisite for another. Further there is no presumption of

progressive disciplinary actions.

Types of disciplinary measures include:

- Oral reprimand
- Written reprimand
- Demotion
- Suspension with or without pay
- Suspension pending trial
- Dismissal/termination

By way of example and not in limitation, the following list may be cause for dismissal:

- Conviction of a felony or any criminal offense involving moral turpitude, theft, or dishonesty.
- Intoxication or being under the influence of illegally obtained prescription drugs, illegal non-prescription drugs, alcohol, or controlled substances while on duty.
- Engaging in the sale, use, possession, or transfer of illegally obtained prescription drugs, illegal non-prescription drugs, or controlled substances.
- Wanton carelessness or gross negligence in the performance of duties.
- Wanton offensive behavior or the brutal treatment of fellow employees or other persons.
- Knowing violation of law ordinance or regulation where such violation constitutes a gross deviation from normally accepted conduct.
- Failure to comply with a direction made or given by a direct supervisor when such failure to comply amounts to an act of insubordination.
- Engaging in a private business or in a trade or occupation, the nature of which interferes with the proficient performance of duties for the employer, or which could be a conflict of interest.
- Absent without permission or good cause for three consecutive days and/or without notifying the employee's department supervisor of the employee's intention to return to work.
- Excessive absenteeism and/or misuse of sick leave or FMLA leave.
- Any other conduct when, given the nature and circumstances of the offense, other disciplinary action, in the opinion of the Town Manager or Chief of Police, would be inappropriate.
- Using Town property, real and/or personal, for personal reasons without the express consent of the Town Manager or Chief of Police.
- Taking of Town property, real and/or personal, with the intent to steal such property.
- Pursuing any non-job-related activities during work-time hours.
- Gambling while on duty.
- Profane, obscene, or insulting words toward the public or other Town employee.
- Failure to reimburse the Town for funds due.
- Membership in any organization which advocates acts of terrorism or the violent overthrow of any legally constituted government by force.
- Threatening, intimidating, harassing, or interfering with employees or supervisors at any time.
- Any other conduct of an employee which is not in keeping with standards applicable to such employee in the performance of his or her work.
- Solicitation or acceptance of any valuable consideration under circumstances which

reasonably indicate that such solicitation or acceptance was made or given with the intent of influencing the employee in the performance of his or her duties.

- Viewing or sharing any pornographic, obscene, or discriminating materials, including on Town equipment and systems.

Problem Resolution

Employees who are members of a union should refer to their union's rule book for Probationary Periods and filing Grievances.

The Town is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Town's supervisors and management.

The Town strives to ensure fair and honest treatment of all employees. We expect supervisors, managers, and employees to treat each other with mutual respect. We encourage employees to offer positive and constructive criticism to each other.

If an employee disagrees with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. They will not be penalized, formally or informally, for voicing a complaint with the Town in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. Employees may discontinue the procedure at any step.

1. An employee can present the problem to their supervisor or manager after the incident occurs. If their supervisor or manager is unavailable or an employee believes it would be inappropriate to contact that person, they may present the problem to Human Resources or any other member of management.
2. The supervisor or manager responds to the problem during discussion or after consulting with appropriate management, when necessary.
3. The employee presents the problem to Human Resources if the problem is unresolved.
4. Human Resources counsels and advises the employee, assists in putting the problem in writing, visits with their manager(s), if necessary, and directs them to the Town Manager or the Chief of Police for a review of the problem.
5. The employee presents the problem to either the Town Manager or the Chief of Police in writing.
6. The Town Manager or the Chief of Police review and consider the problem. They may consult with a Council member. They will then inform the employee of the decision and forward a copy of the written response to Human Resources. Either the Town Manager or the Chief of Police has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through

understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment and helps to ensure everyone's job security.

The Town prefers to deal with all employees on an individual basis without outside interference. Employees are urged to use the Problem Resolution procedure outlined above to resolve any issues regarding their employment.

Nothing in the Problem Resolution procedure will be construed to modify the rights of the Town of Smyrna to justly hire, transfer, reward, demote or dismiss employees or to determine the methods, means and personnel affecting the efficient operation of the Town's business.

Return of Property

As part of their job, employees may be given temporary possession of Town property such as the following:

- Credit cards
- Computers, tablets, cell phones
- Identification cards
- Keys

Employees are responsible for the control and condition of the Town property in their possession and are expected to return it promptly when requested or if their employment ends. In situations where an employee does not return Town property, the Town may take steps to recover the item or its cost by withholding from the employee's regular or final paycheck when allowed by law, or by taking legal action.

Employee Acknowledgement and Receipt

I have received a copy of the Town of Smyrna Personnel Policy Manual

The Personnel Policy Manual describes important information about the Town of Smyrna (Town), and I understand that I should consult my supervisor, HR Manager, Town Manager, or Chief of Police regarding any questions not clearly answered in the manual. I have entered into my employment relationship with the Town voluntarily and acknowledge that there is no specified guaranteed length of employment. Accordingly, either I or the Town can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

This manual and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the Town of Smyrna unless otherwise outlined in an applicable Collective Bargaining Agreement.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by the Town Council, and the Town reserves the right to change my hours, wages, and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Council of the Town of Smyrna has the ability to adopt any revisions to the policies in this manual.

I understand and agree that nothing in the Personnel Policy Manual creates, or is intended to create, a promise or representation of continued employment and that employment at the Town of Smyrna is employment at will under applicable federal and state laws. Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document.

I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it.

Employee's Name (printed): _____

Employee's Signature: _____

Date: _____